



UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SERAFIN BLANCAFLOR and EMIE  
BLANCAFLOR, husband and wife,

Plaintiffs,

vs.

HOME DEPOT U.S.A., INC., a Delaware  
corporation doing business in the State of  
Washington,

Defendant.

**C05 5620** RPL

DECLARATION OF ANAMARIA GIL IN  
SUPPORT OF REMOVAL OF CIVIL  
ACTION TO FEDERAL COURT

ANAMARIA GIL declares as follows:

1. I am a citizen of the United States of America, am over the age of 18 years, and am competent to make this declaration based upon my personal knowledge and to identify the exhibit attached hereto. I am an attorney at the Reed McClure law firm, which represents defendant Home Depot U.S.A., Inc. ("Defendant") in the above-captioned matter.

2. On August 25, 2005, Plaintiffs Serafin and Emie Blancaflor ("Plaintiffs") served a summons and complaint on Defendant through its Registered Agent. The above-referenced matter is currently pending in the Superior Court of Washington for Pierce

DECLARATION OF ANAMARIA GIL IN SUPPORT OF REMOVAL  
OF CIVIL ACTION TO FEDERAL COURT - 1

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**ORIGINAL**

**REED McCLURE**  
ATTORNEYS AT LAW  
TWO UNION SQUARE  
601 UNION STREET, SUITE 1500  
SEATTLE, WASHINGTON 98101-1363  
(206) 292-4800 FAX (206) 223-0152

1 County now pending under cause No. 05-2-10955-1. A true and correct copy of the  
2 Summons, Complaint, and the Service of Process Transmittal are attached hereto as Exhibit  
3 A.

4 I declare under penalty of perjury under the laws of the United States of America, 28  
5 U.S.C. § 1746 that the foregoing is true and correct.

6 Dated this 19<sup>th</sup> day of September 2005, at  
7 Seattle, Washington.

8   
9  
10 ANAMARIA GIL

## **Exhibit A**

**CT CORPORATION**  
A WoltersKluwer Company

**Service of Process  
Transmittal**  
08/25/2005  
Log Number 510492675

**TO:** Nancy Bunker  
The Home Depot, Inc.  
2455 Paces Ferry Road, Building C-8th Floor  
Atlanta, GA, 30339-4024

**RE:** Process Served in Washington

**FOR:** Home Depot U.S.A., Inc. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

<b>TITLE OF ACTION:</b>	Serafin Blancaflor, et al., Pliffs. vs. Home Depot U.S.A., Inc., Dft.
<b>DOCUMENT(S) SERVED:</b>	Summons and Complaint
<b>COURT/AGENCY:</b>	Pierce County, Superior Court of Washington, WA Case # 05-2-10955-1
<b>NATURE OF ACTION:</b>	Personal Injury - Slip and Fall - Caught his foot on the roots of a plant in an island in the parking lot.
<b>ON WHOM PROCESS WAS SERVED:</b>	C T Corporation System, Seattle, WA
<b>DATE AND HOUR OF SERVICE:</b>	By Process Server on 08/25/2005 at 12:57
<b>APPEARANCE OR ANSWER DUE:</b>	Within 20 Days
<b>ATTORNEY(S) / SENDER(S):</b>	J. Michael Koch Law Offices PO Box 368 Silverdale, WA, 98383 360-692-5551
<b>ACTION ITEM:</b>	SOP Papers with Transmittal, via Fed Ex 2 Day, 790623330808
<b>SIGNED:</b>	C T Corporation System
<b>PER:</b>	Nancy Lydon
<b>ADDRESS:</b>	520 Pike Street Suite# 2810 Seattle, WA, 98101
<b>TELEPHONE:</b>	206-622-4511

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Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action.

12:57 pm  
8/25/05

FILED  
IN COUNTY CLERK'S OFFICE  
A.M. AUG 18 2005 P.M.  
PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY \_\_\_\_\_ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

05 2 10955 1

SERAFIN BLANCAFLOR and EMIE  
BLANCAFLOR, husband and wife,  
Plaintiffs,

NO.

v.

HOME DEPOT U.S.A., INC., a Delaware  
corporation doing business in the State of  
Washington,  
Defendant.

SUMMONS ON COMPLAINT

TO: DEFENDANT ABOVE NAMED

A lawsuit has been started against you in the above-entitled court by SERAFIN BLANCAFLOR and EMIE BLANCAFLOR, Plaintiffs. Plaintiffs' claims are stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing and serve a copy upon the undersigned attorney for the Plaintiffs within twenty (20) days, or sixty (60) days if you are located outside the State of

LAW OFFICES OF J. MICHAEL KOCH  
& ASSOCIATES, P.S., INC.

Attorneys at Law  
Post Office Box 368  
Silverdale, Washington 98383  
(360) 692-5551 FAX (360) 692-7578

COPY

Washington, after the service of this Summons, excluding the date of service, or a default judgment may be entered against you without notice. A default judgment is one where Plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the Plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the Plaintiff. Within 14 days after you serve the demand, the Plaintiff must file this lawsuit with the court or the service on you of this Summons and Complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time. This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

DATED this 12<sup>th</sup> day of Sept, 2005.

  
J. MICHAEL KOCH, WSBA NO. 4249  
Attorney for Plaintiffs

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& ASSOCIATES, P.S., INC.

Attorneys at Law  
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FILED  
IN COUNTY CLERK'S OFFICE  
A.M. AUG 18 2005 P.M.  
PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY \_\_\_\_\_ DEPUTY

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IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

SERAFIN BLANCAFLOR and  
EMIE BLANCAFLOR, husband and  
wife,

Plaintiffs,

v.

HOME DEPOT U.S.A., INC., a  
Delaware corporation doing business  
in the State of Washington,

Defendant.

05 2 10955 1

NO.

COMPLAINT FOR DAMAGES

COME NOW the Plaintiffs and for claims against the defendant, allege as  
follows:

I.

The court has jurisdiction of the parties and the subject matter of this action.  
Plaintiffs are residents of Kitsap County, State of Washington.

II.

Upon information and belief, Plaintiff alleges that at all times herein mentioned,

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COMPLAINT FOR DAMAGES - 1

COPY

Defendant, HOME DEPOT U.S.A., INC. (Hereinafter known as HOME DEPOT), is a Delaware corporation doing business in the State of Washington.

III.

All acts alleged to have been done herein by any employee or agent of HOME DEPOT while in the course and scope of their employment were done for and on behalf of the defendant corporation.

IV.

On or about June 11, 2005, Plaintiff SERAFIN BLANCAFLOR was shopping at a HOME DEPOT, located at 10991 Silverdale Way NW, Silverdale, Washington. Plaintiff made his purchase and was returning to his car in the store parking lot. At the end of the parking aisle was a landscaped island containing flora and bark and surrounded by cement curbing. Plaintiff crossed the island on a created path to reach his vehicle. As Plaintiff walked the path, his foot caught on roots from the flora planted in the island. This caused Plaintiff to fall. Plaintiff struck his head on an adjacent parked car injuring his neck and causing instant paralysis.

V.

The Defendant HOME DEPOT U.S.A., INC. was negligent in failing to provide safe ingress and egress for its customers and/or in failing to provide a safe place for its customers to walk and/or for negligently creating a dangerous condition and/or in allowing a dangerous condition to exist and/or in failing to perform adequate inspections of its premises and/or for failing to warn of hazards and/or otherwise breached a duty of care owed to the plaintiff.

VI.

As a direct and proximate result of the negligence of the Defendant, Plaintiff SERAFIN BLANCAFLOR sustained severe and debilitating injuries to his neck and head, resulting in paralysis. Plaintiff has undergone medical care and treatment, and has incurred medical expenses and these expenses are continuing. Plaintiff has sustained mental and physical pain and suffering, disability, loss of enjoyment of life, and

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impairment of earnings and these damages are continuing.

VII.

As a direct and proximate result of the injuries suffered by Plaintiff SERAFIN BLANCAFLOR, Plaintiff EMIE BLANCAFLOR has sustained a loss of the love, society, companionship and consortium of her husband, SERAFIN BLANCAFLOR.

WHEREFORE, plaintiffs pray for damages as follows:

1. For plaintiffs' general and special damages as shall be shown at the time of trial.
2. For plaintiffs' taxable costs herein.
3. For such other and further relief as the court shall deem equitable in the premises.

DATED this 17<sup>th</sup> day of Sept, 2005.

  
J. MICHAEL KOCH, WSBA No. 4249  
Attorney for Plaintiffs